

MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF IRVINGTON, NEW YORK HELD ON MONDAY FEBRUARY 7, 1994 8:00 P.M. TRUSTEES MEETING ROOM, 85 MAIN STREET, IRVINGTON, NEW YORK.

Present: Robert D. Reisman, Mayor
Dennis P. Flood, Trustee
Garrard R. Beeney, Trustee
Robert H. Pouch, Trustee
A. Barrett Seaman, Trustee
Kevin J. Plunkett, Village Attorney
Stephen A. McCabe, Administrator
Lawrence S. Schopfer, Clerk-Treasurer
Robert M. Bauer, Superintendent of Public Works
Eugene Hughey, Building Inspector

The meeting was called to order by Mayor Reisman who led the attendance in the pledge of allegiance to the flag of the United States of America.

Mayor Reisman opened the informational public hearing regarding Diamond Dairy, Inc. request to amend or otherwise provide an exemption from noise ordinance restrictions. In addition to written correspondence received by the Board on this subject, the following comments were made at the public hearing:

David Logan (Diamond Dairy) - provided background on his request to relocate his business from Tarrytown to Irvington. He indicated that there would be deliveries and shipments made between the hours of 12 midnight and 6 am. He requested the Village to amend the appropriate ordinances which currently prohibit such operations.

Mayor Reisman - indicated that he and the Board had received approximately 53 letters, all in opposition to any change in the ordinance. He further indicated that he saw no reason to change the ordinance.

George Rowe - read letter in opposition to any ordinance change and submitted such to the Board.

Trustee Beeney - indicated that the Village is always looking for new industry as a means for securing the Village's tax base, however, in his opinion, increase noise in the Main Street area at such hours is too high a price to pay for tax base security.

Carl Mingo - read a statement on behalf of all residents of Fieldpoint in opposition to any ordinance change.

Laurel Babcock - indicated that she was in opposition to any ordinance change and wanted to hear the Board's sentiment with respect to this subject. Additionally, she commented that there should be better enforcement of the existing noise ordinance.

David Logan - indicated that he respected the current situation with respect to the existing noise ordinance. Furthermore, he suggested that the Board take a look at the industrial zoning of the West Main Street/Bridge Street area, in light of the fact that legitimate industries are restricted as to their operations because of such noise ordinances.

Trustee Flood - indicated that after hearing the public on this subject, he does not support any ordinance change. Also, he noted that this process has exemplified how local government can work effectively with local residents.

Trustee Seaman - indicated that it is obvious which way the Board is headed on this subject and he applauded the civil manner in which this entire matter was handled by all parties.

Trustee Pouch - indicated that government often is viewed as placing too many restrictions on businesses, however, there are always two sides to a story. In this case, Main Street is extremely crowded during the daytime and evening hours. As a result, the residents of this area must protect the few hours of peace still available to them.

An unidentified resident - commented on the ten ton limit of the Bridge Street railroad bridge.

Philip Eisenberg - indicated that the Board should send a clearer message with respect to the potential uses of the property in question (29 Bridge Street). He claimed that several years ago a residential/commercial development plan for the site was not well-received.

Mayor Reisman - indicated that he had no knowledge of such a development plan.

A motion was made by Trustee Pouch and seconded by Trustee Beeney and unanimously approved to close the informational public hearing.

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Mayor Reisman opened the floor to public comment. Barbara Denyer commented on the Library Expansion Project and questioned whether there was room for expansion beyond the current proposal. Trustee Pouch indicated that there was room for such expansion. Connie Porter requested a Board resolution opposing the proposed gas pipeline to be run through adjacent Villages en route to Yonkers. Mayor Reisman indicated that this Board was not prepared to adopt any resolutions until it became fully informed with respect to the proposed plans.

Mayor Reisman opened a public hearing regarding a proposed local law requiring owners of income producing property to submit income and expense statements to the Village Assessor when involved in tax certiorari matters. After an outline of the proposed local law, Village Attorney Kevin Plunkett clarified the fact that this local law would be applicable to Co-ops and other commercially-owned properties but not one, two, or three family residences. A motion was made by Trustee Beeney and seconded by Trustee Flood and unanimously approved to close the public hearing.

A motion was made by Trustee Seaman and seconded by Trustee Pouch and unanimously approved to adopt the proposed local law as presented. A copy of the local law is attached hereto as a part of these minutes.

A motion was made by Trustee Flood and seconded by Trustee Beeney and unanimously approved (with Trustee Seaman abstaining) to approve the minutes of the Village Board meeting of January 20, 1994.

Mayor Reisman announced that there would be a public hearing held on March 21, 1994 to consider an amendment to the zoning ordinance regarding resource protection procedures with respect to site capacity. Village Attorney Kevin Plunkett indicated that this proposed local law would provide the Planning Board with some flexibility under the resource protection requirements with respect to large parcels (25 acres or more).

Mayor Reisman indicated that the Board had received an environmental assessment review form pursuant to a proposed amendment to the zoning ordinance regarding resource protection procedures with respect to site capacity. Upon a motion duly made and seconded and unanimously approved, the Board stated its intention to declare itself lead agency with respect to the environmental review.

Mayor Reisman reviewed correspondence from: Martha Shortlidge and Cornell Cooperative Extension. Copies of the correspondence is attached hereto as a part of these minutes.

Trustee Seaman reported that the Water Department had been busy with an unauthorized opening of a hydrant, several water main breaks, and a minor sewer backup. He noted that the sewer backup was caused by a plastic sewer infiltration insert.

Trustee Pouch indicated that the Library is anticipating issuing Requests for Proposals for the Library Expansion Project by March with responses due back by April or May.

Trustee Flood outlined the solid waste report for 1993. He indicated that a snow plow was purchased to more effectively plow the Village sidewalks, especially on Broadway. Also, he noted that the Public Works and Police Departments were working together to more effectively clear snow from the side streets around Main Street. He indicated that the Village is applying for grants in the amounts of \$5,000 and \$20,000 for tree planting and recycling, respectively, from the Department of Environmental Conservation. Finally, he noted that a Cable TV Committee meeting is scheduled for February 16, 1994.

Trustee Beeney outlined the police report for January 1994. He also indicated that the Fire Department would be holding an ice rescue training and information session at the Irvington Reservoir.

Village Administrator Steve McCabe requested a resolution authorizing the purchase of a Parks and Recreation replacement vehicle at a cost of \$16,152, with the Recreation Subdivision Trust Account to be used to fund this purchase. A motion was made by Trustee Pouch and seconded by Trustee Beeney and unanimously approved to authorize the purchase as requested.

Village Attorney Kevin Plunkett indicated that there would be a public hearing regarding a proposed local law regarding street openings on March 7, 1994.

Upon a motion duly made and seconded and unanimously approved, the Board adopted a resolution regarding the lease agreement entered into between the Village of Irvington and NYNEX Mobile Communications. A copy of the resolution is attached hereto as a part of these minutes.

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Upon a motion duly made and seconded and unanimously approved, the Board adjourned to executive session to take up litigation and personnel matters.

After reconvening from executive session, there being no further business to conduct, the meeting was adjourned.

Lawrence S. Schopfer, Clerk-Treasurer

Attachments